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EXAMINER

PITARO, RYAN F

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**MAILED**

**APR 18 2007**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/035,999  
Filing Date: December 31, 2001  
Appellant(s): RAVIKUMAR ET AL.

Marc McSwain #44,929  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/20/2006 appealing from the Office action mailed 7/1/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,6,7,8,10,14-17 are rejected under 35 U.S.C. 103(a) as being anticipated by Sasaki et al ("Sasaki", US 6,122,005) in view of Kaplan ("Kaplan", US 5280,275) in further view of Mankoff ("Mankoff", US 6,868,426).

As per independent claim 1, Sasaki discloses generating a pull-down menu in a graphical user interface (Column 9 lines 11-20); and moving labeled items in said pull-down menu representing choices such that relative positions of said items correspond to relative user preferences (Column 10 lines 1-10). Sasaki fails to distinctly point out enabling a user to move labeled items in said pull-down menu. However, Kaplan teaches enabling a user to move labeled items in said pull-down menu (Column 5 lines 17-24) representing user choices such that relative positions of said items correspond to relative user preferences (Column 5 lines 17-24). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Kaplan into the system of Sasaki. Motivation to do so would have been to provide a user implemented way of reorganizing a list for quick access. Sasaki-Kaplan fail to particularly point out the choices being electronic commerce transactions. However, Mankoff teaches the user choices of the pull down menu describing variables in electronic commerce transactions (Column 10 lines 28-30). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Mankoff within the system of Sasaki-Kaplan. Motivation to do so would have been to provide a user with a simple and personalized way to shop online.

As per claim 2, which is dependent on claim 1, Sasaki-Kaplan-Mankoff discloses the method comprising the step of deleting said items representing unacceptable user choices (Sasaki, Column 12 lines 40-45).

Claim 6 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

As per claim 7, which is dependent on claim 6, Sasaki-Kaplan-Mankoff discloses the system wherein the computing device is at least one of: a personal computer (Sasaki, Column 4 lines 36-45; *wherein all of the components working together form a personal computer*), a cellular telephone, a personal digital assistant, a pager.

As per claim 8, which is dependent on claim 6, Sasaki-Kaplan-Mankoff discloses the system wherein the pull-down menu is persistent (Sasaki, Column 10 lines 8-15; *wherein persistent is defined as remaining after a period of time*).

As per claim 10, which is dependent on claim 6, Sasaki-Kaplan-Mankoff discloses the system wherein pull-down menu is a vertical list of buttons (Sasaki, Figure 5).

As per claim 14, which is dependent on claim 13, Sasaki-Kaplan-Mankoff discloses the system wherein the electronic commerce transactions include at least one of: making travel reservations, shopping online (Mankoff, Column 10 lines 28-30), choosing a restaurant, selecting a vendor, providing marketing data, specifying employment interest.

As per claim 15, which is dependent on claim 6, Sasaki-Kaplan-Mankoff discloses the system where the input device is at least one of: a mouse (Sasaki, Figure 1 item 28), an isometric finger-operated computer pointing device, a trackball, a keyboard (Sasaki, Figure 1 item 26), a stylus, a touch-sensitive screen, a speech analyzer.

Claims 16 and 17 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

3. Claims 3-5,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al ("Sasaki", US 6,122,005) and Kaplan ("Kaplan", US 5280,275) and Mankoff ("Mankoff", US 6,868,426) in view of Windows NT ("WINNT", Windows NT screen dumps).

As per claim 3, which is dependent on claim 1, Sasaki-Kaplan-Mankoff fails to distinctly point out deleting said items representing uninteresting choices. However, WINNT teaches deleting the items representing uninteresting user choices (Figures 4a-4b; *Winzip*). Therefore it would have been obvious to an artisan at the time of the invention to combine Sasaki-Kaplan-Mankoff's method with the teaching of WINNT. Motivation to do so would have been to provide only the items on the menu that the user will utilize, making the selection smaller and cutting the search time.

As per claim 4, which is dependent on claim 1, Sasaki-Kaplan-Mankoff fails to distinctly point out a cut-off bar. However, WINNT teaches limiting the number of items by using a cut-off bar (Figure 2 item 30). Therefore it would have been obvious to an

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artisan at the time of the invention to combine Sasaki-Kaplan-Mankoff's method with the teaching of WINNT. Motivation to do so would have been to only allow a certain number of items to cut the search time of scrolling through too many items in the menu.

As per claim 5, which is dependent on claim 1, Sasaki-Kaplan-Mankoff fails to distinctly point out clicking and dragging. However, WINNT teaches a moving step comprises substeps of clicking and dragging (Figure 3a-3b). Therefore it would have been obvious to an artisan at the time of the invention to combine Sasaki-Kaplan-Mankoff's method with the teaching of WINNT. Motivation to do so would have been to provide a visual way of moving items so that the user can see which place of the order to put the item.

As per claim 9, which is dependent on claim 6, Sasaki-Kaplan-Mankoff fails to distinctly point out items that form a hierarchy. However, WINNT teaches a system wherein the items form a hierarchy (Figure 2). Therefore it would have been obvious to an artisan at the time of the invention to combine Sasaki-Kaplan-Mankoff's system with the teaching of WINNT. Motivation to do so would have been to provide a simple way of organizing the items so that they can easily be displayed.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al ("Sasaki", US 6,122,005) and Kaplan ("Kaplan", US 5,280,275) and Mankoff ("Mankoff", US 6,868,426) in view of JavaScript Buttons ("JavaScript Buttons", <http://www.jsr.communitech.net/buttons.htm>).

As per claim 11, which is dependent on claim 6, Sasaki-Kaplan-Mankoff fails to disclose a horizontal list of buttons. However, JavaScript Buttons teaches a system



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where the menu is a horizontal list of buttons. Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sasaki-Kaplan-Mankoff with the teaching of JavaScript Buttons. Motivation to do so would have been to provide another way of presenting the information while utilizing the horizontal space on the interface, while taking up less space on the screen.

As per claim 12, which is dependent on claim 6, Sasaki-Kaplan-Mankoff fails to disclose the menu implemented in HTML or JavaScript. However, JavaScript Buttons teaches a menu implemented in JavaScript (Page 1). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Sasaki-Kaplan-Mankoff with the teaching of JavaScript Buttons. Motivation to do so would have been to produce interactive menus to make the interface more appealing and useable.

#### **(10) Response to Argument**

The Applicant argues the following main points:

A) The combination of Sasaki and Kaplan does not allow a user to specify preferences as taught and claimed by the present invention. The Examiner respectfully disagrees. First one must look at the claim language as compared to the art applied. There is no doubt that Sasaki teaches the first claim limitation of generating a pull-down menu in a graphical user interface as pointed out above. The second limitation of the claim points out moving items in the pull down menu, the positions of the items corresponding to relative user preferences. Sasaki teaches as agreed on by the

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Applicant, "in accordance with the degrees of frequency of use thereof so that the camera names are displayed in a list order of decreasing frequency of use." In other words, according to the use of a user or the preference of a user to choose a camera, the pull down menu items are rearranged. However, the Examiner, to make clear on the record, further combined Kaplan with Sasaki to more distinctly point out the Applicant's claimed invention. Kaplan distinctly points out moving an item of a pull down menu such that relative positions of said items correspond to relative user preferences. Specifically, Kaplan teaches Column 5 lines 16-24:

FUNCTION: Capture **user's preferences** for the layout and design of the interface itself.

EXAMPLES: By clicking on a pull-down menu item, users could rate how often they need to use that menu choice [User Preferences]. A high rating would cause the menu to rearrange itself so that it appears first on the pull-down menu [moving items relative to preferences]. A lower rating would cause the item to appear later in the menu list (See Figs 4,44). (Emphasis added) [Examiner comments added].

While the user may not physically move i.e. drag and drop the menu items into positions relative to user preferences, the claims do not convey this. The user is enabled to move the items by rating a particular menu item, and shifting the items according to respective ratings, as pointed out in detail above.

B) Sasaki fails to teach a user deleting items representing unacceptable user choices. As agreed on by the Applicant a user is able to activate and deactivate particular cameras. Furthermore if a camera is deactivated or powered OFF the relevant camera is not displayed on the list even if it has a high frequency of use (Column 12 lines 36-48).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan F. Pitaro

Conferees:

Lynne Browne



**Lynne H. Browne**  
**Appeal Specialist, TQAS**  
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